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PERSONAL SKETCHES.—No. XI.

SIR CHARLES WETHERAL.

Sir Charles Wetheral is the honestest and the oddest man at the English bar. He is a confirmed eccentric; if, however, his character affords something to laugh at, it certainly exhibits nothing which men can either hate or despise. We feel happy in meeting with an individual, the honesty of whose nature has not been perverted by the tricks of state, and who has proved that his integrity was dearer to him than his interests. We are almost disposed to like an oddity, if satisfied that there is nothing of the hypocrite in his disposition, because his oddities are in some degree pledges for the independence of his mind. These oddities are displeasing to the people miscalled great; 'tis hurtful to their pride to think that a man should presume to appear in their presence in his every-day old coat, and venture to accost them in a blunt, inartificial manner—not putting himself out of his way to gratify their diseased tastes, spoiled by subserviency and assentation. *They* resent accordingly the insolence of honesty; it alarms and discomposes them, and therefore, if they have it in their power, they punish unsparingly the guilty criminal, that is, the honest man. As then it is the interest of place-hunters and place-keepers to succumb to the place-givers and place-takers, that individual must be virtuous, disinterested, independent, his heart must be made of the right stuff, who will resign thousands of pounds per annum, and all the other sweets of office, *oculo irretorto*, (is it not so, Sir James?) rather than bend to power, or truckle to apostacy and baseness! It is not only that Sir Charles would not be persuaded to abandon what he believed to be the honest cause, but he could scarcely be prevailed upon to lay aside any of his very singular propensities;—for example, he would not put on a pair of suspenders, were he about to visit his Majesty himself. Whether he submitted to the vile incumbrance when paying his addresses to his present youthful wife, I cannot positively say; although he may have done so, in order, according to lawyer-like principles, to provide against contingencies.

If you met Sir Charles in the street, you would certainly ask, who can that strange man be? and turning round to look after him, you would exclaim, what a deuced queer-looking chap, to be sure! He wears a hat which may have been originally black, about the time that Cowper tells of, 'when yet black breeches were not;' but if so, it has since, camelion-like, changed into a dingy brown; the brim is always driven up behind by the collar of a long brown surtout, just fit company for the hat. The coldest day in winter the surtout flies open—while the valorous knight, thrusting his hands into the pockets thereof, turns them fairly inside out, and forces them forward till he makes both hands meet before his legs; so that when you look behind, you are surprised to see all bare, up to the middle of the lengthy back. The black suit within is somewhat seedy, while between the waistcoat and waistband of his breeches (I dare not say *troisièmes*, speaking of Sir Charles,) there is ocular demonstration of that vacuum, about the existence of which philosophers have talked so idly and so much; of the fair white linen more or less is to be seen according as the wind happens to be high or low, or Sir Charles in a state of excitement or tranquillity—the latter, to do him bare justice, seldom happens to be the case. He ties his cravat by system in the dark; his trowsers are

long and queer, and he wears great tapes in his shoes, which seem, from their dim and dusky aspect, never to have enjoyed a single blush of "Warren's incomparable," or "Hunt's matchless." As he strides along, he plunges his foot into every gutter that comes in his way, looking loftily, and muttering between his teeth—"I am no longer attorney-general, to be sure, but I am the independent member for Plympton; I don't care a curse for the duke; and as for Peel he is a rat, and so I'll tell him."

But what is seeing to hearing? So of course you hurry off to the court of chancery, thinking possibly of the musical tones of Mr. Serjeant Blackburne, the scholar-like elegance of Mr. Pennefather, or the gentlemanly composure of our Irish attorney-general. Such being the current of your cogitations, Sir Charles astounds you first, and immediately after convulses you with laughter. You see a man projecting his body forward, throwing it back, then to the right, and then to the left—indulging in gesticulation remarkable for its angularity; himself in a tremendous state of excitement, labouring as if 'for the bare life' to convince the chancellor of the iniquity of decreeing for the specific performance of such an "unilateral agreement," making the oddest and most unexpected combinations of language, using hard words most unsparingly, all of uncommon dimension, and reminding one of the schoolboy puzzle, "Trans-mag-ni-fi-can-du-ban-dan-ti-ality," winding up his argument with a closing thump upon the table, and a line from the *Æneid* of Virgil or the *Odes* of Horace.

Yet it must not be imagined for a moment that Sir Charles's speech is quite a burlesque; on the contrary, in the midst of all this extraneous and amusing matter, he displays an intimate acquaintance with previous decisions, applies sound law, and reasons well on portions of his case, though he does not speak consecutively. Previous to his obtaining a silk gown, he had considerable practice, not only in the courts of chancery and exchequer, but before committees of both houses of parliament. His volunteered defence of Watson for high treason, drew all eyes upon him, some wondering that he of all men should have undertaken a case so contrary to his usual practice, others wondering still more how he would conduct it. Unkind reports were spread, which are unworthy of belief, such as, that his appearance as counsel for Watson the traitor, originated in political pique at not being made solicitor general in preference to Sir R. Gifford, or from a burning desire of notoriety. The truth I believe to be, that the old story was selected from his known honesty and indomitable courage. *I am a staunch whig, but notwithstanding, as Sir Charles would himself say, I repeat my original proposition, that he, Sir Charles, is the honestest man at the English bar, not excepting the great Harry himself, and that in my judgment is the highest compliment I can pay to mortal man.* Critics may dispute as they please about the merits of the speech for Watson, and deny it the praise of being chaste and correct oratory, but chasteness of style was not the thing wanted in such a case, and correctness is but another name for coldness, when a client's life is on the issue: in my opinion it was a speech of much ability, because, (according to Napoleon's criterion of the talent of a general,) it was successful. Sir Charles spoke for eight hours *only*; he might have spoken for twenty-four with great ease to himself: unquestionably he did not display closeness of reasoning or splendor of diction comparable to Erskine's in the case of Hardy, nor did he rival the brilliant eloquence or touching pathos of Curran; his speech in fact differed

from all the speeches that ever were made on the subject of high treason before; it was a strange compound of the serious and comic, the solemn, the ludicrous, the abusive, and the affecting. Even in a case of life and death, his favourite propensity of saying odd things did not forsake him; he declared with great emphasis, that he had never heard "of a constructive or interpretative *pike*."

Throughout, however, his address was forcible and convincing, and delivered with consummate boldness: he spoke with the proper spirit becoming the independent member of a high profession, and whether the judges smiled or frowned, it was all the same to him. He branded the abominable doctrine of constructive and accumulative treason with every odious epithet which his exuberant imagination could suggest. He did not stop to parley with the government, and to say as mawkish lawyers are apt to do, that the government, with the best intentions in the world, had only mistaken the law; on the contrary, he roundly taxed the crown lawyers with the serious offence of seeking to destroy the distinction which from the passing of the memorable statute of Edward III. had ever subsisted between treason and misdemeanors. Lord Ellenborough, it is true, with the warmth of a political partizan tried to check him, the crown lawyers loudly protested, and Sir Charles as loudly persevered. The printed speech reads much better than that which was delivered, because the repetitions were omitted, and the looseness of his language considerably compressed. He declared that it was "difficult for him to argue whether an association of persons consisting of two broken-down apothecaries, a reduced gentleman, and two cobblers, could entertain the project of a revolution."

His great object was to ridicule the notion of a rebellion, which in the following passage also, he does successfully enough, but still in his own peculiar manner. "Let us see, however, what the force was, what its means were, and what its acts were: here are men who set out from Spa-fields; they have in the wagon their powder and shot, they have two flags, and a banner, they have pistols and swords; they propose to go into the city, but unfortunately before they got there, this hostile army have the flag-staffs taken from two of the five generals, and that part of the rebel army is routed. Mr. Stafford routs the main division before it leaves the field, the rest penetrate into the city, and there a worthy alderman, Sir James Shawe, alone puts to flight the rest of these insurgents; this is the riot which the attorney-general has worked himself up to calling a flagrant civil war: if it be, I think Sir James Shawe has been very ill treated by the government; I have not heard that he has been made a peer, or got a pension, or a red ribbon, but I should have thought that some favour might have been shewn him for his eminent services in putting down this rebellion, and particularly because he did it quite alone, and without assistance civil or military." The attack on the Tower, he thus described. "You will recollect that half the force was cut up in Spa-fields by Mr. Stafford, the rest of the force fainted into the arms of Sir James Shawe, and when the whole was annihilated, some man with a *loud voice* summoned it to surrender, not to a rebel army, but to himself alone."—He also cross-examined Castles the infomer with considerable tact; he made him appear, what he really was, an incomparable scoundrel. Sir Charles did not put the truth point blank, and thus tempt a point blank denial, but wisely proposed his questions in a more moderate form, leading the witness to suppose no harm could arise to him from admitting the fact to the wished-for extent. The night before the defence, it is said, there was

a consultation between the counsel: the present lord chancellor thought all was over with Watson, in consequence of the evidence of Castles; how to characterize this informer became a matter of discussion—"Leave him to me," said Sir Charles, "he is an indescribable villain," and accordingly by that endearing epithet he distinguished him throughout the speech. The abuse of Castles was scurrilous and incessant, but not the less effective. The prevalent opinion, I believe to be the true one, that Sir Charles Wetheral's speech saved Watson from the block; and when his high tory principles are taken into account, when it is recollected how many lawyers would have quailed in such a case, and truckled to the bench—his conduct, his boldness, and his spirit cannot be sufficiently admired.

In the smallest, as well as in the most important matters, his professional conduct has been upright and independent: to the bench he has been respectful, but resolute; to his equals pleasant, and finally, to his juniors kind and encouraging. In a case before Sir John Leach, when vice-chancellor, he displayed alike a love of fairness, and a kind consideration for the young men at the bar. The vice-chancellor had long been accustomed to dispense with the arguments of junior counsel, which plan enabled him to despatch business the more quickly. Sir Charles, however, when an opportunity presented itself, boldly vindicated the right of junior counsel to submit to the court what in their judgment might be for the interest of their clients; his manly appeal to the judge produced the desired effect. How many king's counsel are there who would for such a cause provoke the resentment of the bench? The feeling which prompted him to challenge Sir Edward Sugden was a much less noble one, though laughable enough, and very characteristic of the man: he had been long hurt at hearing the lord and vice-chancellor arrogantly dictated to (as he conceived,) by Sugden's constant use of the phrase, "I am of opinion," which imperative mode of expression sounded harshly in Sir Charles's ears, and accordingly he took an early opportunity of convincing the court and Sir Edward himself, that no one man should manage the business as he pleased, or control the opinion of the court. The dialogue which occurred between the solicitor general and the ex-attorney, was amusing in the extreme, the latter repeating at the end of every sentence, "well, if you dont like it you have your remedy," showing that although a learned civilian, he had a martial spirit, and was prepared like a true knight to take the field at a moment's warning.

Sir Charles was a favourite of lord Eldon, although no two men could possibly be more unlike; his lordship was grave, serious, and thoughtful, distinguished for calmness of speech while on the bench, and in his deportment as mild, as he was learned in his profession; Sir Charles, on the contrary, was loud, declamatory, and impassioned; their political opinions, however, were the same, and their friendship is still undiminished. Sir Charles never omits an opportunity of defending the character of his lordship, who, whatever may have been his errors as a politician, (I dont care a button for that haughty smile, Mr. President,) was one of the soundest and most able judges, perhaps the very ablest judge, that ever adorned the English bench.

In the court of delegates, and in commissions of lunacy, the subject of this sketch has been constantly employed, and in such occasions he is to be seen in his fullest glory. The delegates sit at a long table, at the end of which the counsel are placed, and there Sir Charles has been seen to wheel completely round, and with his back to the judges and his face

to the wall, accompanying his words with his favourite action, has been heard to exclaim, "this man is not mad, I assert, even although he wears a shirt exterior to, and superinduced upon his tunic." In the great case of Davis, which occupied fourteen days, he was opposed to Mr. Brougham. I lamented when the case was concluded, and the lunatic (for such he indubitably was,) by the verdict of a sagacious jury pronounced to be perfectly in his senses, for nothing could be more entertaining than to witness the contests which occurred every five minutes between these eminent lawyers. The generality of readers, especially those of the Dublin Literary Gazette, know what sort of person Mr. Brougham is, and doubtless few of them would wish to have him for an opponent: on Sir Charles, however, his biting sarcasms fell powerless and harmless, his interruptions were idle, his pregnant eloquence of no avail. Did Mr. Brougham object to a question, Sir Charles made a speech in answer, and quoted Latin. Did Mr. Brougham attempt to dictate, Sir Charles, fired with indignation, spoke twice as long and twice as loudly. Did Mr. Brougham appeal to the bench, Sir Charles insisted on the right of a reply, so that Mr. Brougham, after having been well fatigued and wearied, at last discovered that instead of gaining time he lost largely by his interruptions, so, telling Sir Charles to take his own way, he sat quietly down; still, however, when a most irrelevant question would be proposed, Mr. Brougham would mutter something between his teeth about the loss of public time; even that innocent recreation Sir Charles would not suffer, but desisting from his examination, he observed, "I like these harmonious sounds; the under tones of Mr. Brougham's voice are sweetly musical and delightful in my ears." So that the now member for York was not, in Gray's-inn coffee-house, allowed even to grumble out his indignation, although in other places he can speak so loudly and so triumphantly.

In the house of commons Sir Charles Wetheral is matchless; there he has neither judge nor jury to control him, and there accordingly he takes his full fling; his circumlocutions are beyond all praise, and his apologies are the richest things conceivable. In this department of oratory he displays the most wonderful ingenuity—putting his apology in five and twenty different shapes before he ventures to touch upon the subject at issue. From these modest preambles one might suppose Sir Charles to be the most diffident of mortals, who trembled while he spoke, and was fearful of offending the least of men; instead of which, after the first half hour, when his apologies are over, no man speaks with more reckless boldness than the late independent member for Plympton, of which Sir Robert Peel would doubtless bear ample testimony—not forgetting the proceedings of that interesting debate, in which Sir Charles thundered forth: "I have no speeches to retract, I have no words to eat;" looking furiously, and as if suiting the action to the word, he would tumble the honorable secretary off the treasury bench. If he lost his place through his invincible honesty, he certainly enjoyed the full satisfaction of avenging himself upon his apostate friends: night after night he poured out his wrath upon them, intermingled with the oddest jests and the most annoying jeers. What must have provoked the ministry most was, that Sir Charles was always well received and listened to; his hits told admirably, and all his jokes were relished and applauded. The simple truth is, he is respected by the house, because he is known to be an *honest man*, and rare as that character is there, it still commands respect. The last time I heard him

was in bringing forward his motion on the prosecution of the *Morning Journal* for libel. He spoke four hours in his opening speech, and two hours in reply; he went through the informations seriatim, and proved by precedent and argument the wickedness of the prosecutions. But no human being could keep his countenance either in looking at or listening to him, when he got warm in his subject. His lips were foaming, his voice raised to the utmost pitch, his shirt visible even more than usual, his action extravagant, as though he were boxing shadows in the air—he himself standing in the middle of the floor, and turning his back upon the speaker as often as his face; and in the middle of his most vehement bursts of honest indignation, and at the precise moment when you thought him most serious, using expressions the most irresistibly comic—as for example, finishing his accusation against one of the prosecutions by saying it was for an “*omnibus libel*.” In his speech, however, there was much truth, and the house felt its weight; and though his motion failed in the house, yet it did good service in the country. He seemed more vexed with Sir Francis Burdet than any of his opponents; and in his reply at three in the morning, called him a Westminster patriot, a theoretical patriot, who made hollow speeches in favour of the liberty of the press, and gave stiff votes against it. He at the same time complimented Mr. O’Connell highly, and thanked him for his zealous and able assistance. The faults of Sir Charles Wetheral, as a speaker, arise mainly from his own acuteness, and from the want of methodical arrangement: it seems as if he wished to advert to all parts of his subject at once—and taking it for granted that his hearers know as much about the matter as he does himself, before he has finished one proposition he flies off to another, and then upon the impulse of the moment recurs to the first—a mode of speaking which necessarily gives rise to much repetition. Of his tessellated style of English cut on Latin, so much has been said by every body else, that I shall say nothing. He has a horror of brevity or condensation; seeks out diligently the longest words, and excels in the art of amplification. His knowledge is very generally applicable, and he does not hesitate to display it on every occasion.

He has high claims upon the respect of the public, or of that portion of it by whom consistency is admired and integrity honoured. The office of attorney-general has been the rock on which lawyers have made shipwreck of character and fame: he affords to his professional brethren a bright example, though an unusual one, of uncompromising independence. It is sorrowful to reflect on this melancholy truth, that a vast majority of the legal profession in England and Ireland would succumb to the treasury or the castle, read the recantation of their political creed for a lucrative post, and willingly do the dirty work of the powers that be, for a consideration. These are generally quiet, cautious, steady men, who scarcely ever speak above their breath, and are always ready with a smooth word and a facetious smile, and whose most noble aspiration is not to appear remarkable. If Sir Charles be an oddity, let this be his excuse: “Liberty is the glorious cause, that it is which gives human nature fair play, and allows every singularity to shew itself; and which for one less agreeable oddity it may bring to light, gives to the world ten thousand great and useful examples.”

W.

[Several millions of our readers will doubtless be petrified on discovering, while reading this paper, that they have been seduced into the perusal of the lucubrations of a whig; but after the description of so many whigs by a staunch tory, as we have given in our *Personal Sketches*, we thought the converse of the proposition might form no disagreeable variety; and the sketcher, with all his whiggism, is worthy of his subject: both are truly *honest* and able men.—Ed.]